



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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WENDY L. WATANABE
CHIEF DEPUTY

October 12, 2007



Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Higashi:

Los Angeles County
Draft Parameters and Guidelines
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

We herein file parameters and guidelines [Ps&Gs], in accordance with Government Code section 17557 and the California Code of Regulations, title 2, section 1183.1 et seq., which detail reimbursable and reasonably necessary activities in accordance with Commission's funding decision, adopted on September 27, 2007.

In addition, a 'reasonable reimbursement methodology', permitted under Government Code section 17518.5, is recommended in order to simplify the administrative claiming process and reduce costs.

Leonard Kaye, of my staff, is available at (213) 974-8564 to answer questions in this matter. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "J. Tyler McCauley".

J. Tyler McCauley
Auditor-Controller

JTM:JN:LK
Enclosures

**Los Angeles County
Parameters and Guidelines [Ps&Gs] Narrative
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]**

The County of Los Angeles [County] herein files parameters and guidelines [Ps&Gs], in accordance with the California Code of Regulations, title 2, section 1183.12, subdivisions (b) and (c), for the Crime Victims Domestic Violence Incident Reports II reimbursement program. These Ps&Gs address specific reimbursable activities which are reasonably necessary in performing mandatory duties and which are encompassed by the Commission on State Mandates [Commission] funding decision, adopted on September 27, 2007.

In addition, a 'reasonable reimbursement methodology', permitted under Government Code section 17518.5¹, is recommended in order to simplify the administrative claiming process and reduce costs. In the alternative, language permitting claimants to time study specified reimbursable activities is recommended².

Commission's Decision

Regarding responses to domestic violence-related calls for assistance, as specified in Penal Code Section 13730(c)(3), (Stats. 2001, ch. 483), the Commission found that, effective January 1, 2002, reimbursement is required, under article XIII B, section 6 of the California Constitution and Government Code section 17514, for the following new duties:

- On the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it

¹ Section 17518.5 defines a "Reasonable reimbursement methodology" as "... a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions: (1) The total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner. (2) For 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner".

² In this event, time study language is included in the attached Ps&Gs under section IV. Reimbursable Activities: "Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office".

necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen. Code. Sec. 13730(c)(3)).

In addition the Commission found the costs of compliance with new domestic violence-related firearm procedures, as specified in Penal Code Section Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 to be reimbursable, effective January 1, 2003, for the following duties:

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present (Pen. Code. Sec. 12028.5(b)).
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code. Sec. 12028.5(b)).
- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or 2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b)).
- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12

months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e)).

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f)).
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code. Sec. 12028.5(g)).
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h)).
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i)).

Effective January 1, 2003, reimbursement is required for costs incurred when firearms or other deadly weapons are taken into temporary custody at the scene of

a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search in accordance with Penal Code Section 12028.5, (Stats. 2002, ch. 833), as follows:

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code, sec. 12028.5 (b)).
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j)).

The County has developed five possible scenarios in implementing the subject law and detailed unit times and costs required to perform specific activities under each scenario³. The five scenarios are:

1. Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present.
2. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is released to suspect.
3. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

³ See the attached declaration of Suzie Ferrell, Deputy, Field Operations Support Services, Sheriff's Department, County of Los Angeles,

4. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

5. Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

Standard times and unit costs have been computed for each of the [above] five scenarios as follows:

<u>Scenario</u>	<u>Standard Time [Minutes]</u>	<u>Unit Cost</u>
1.	9	\$ 13.95
2.	126	144.17
3.	292	411.31
4	111	111.02
5.	9	13.95

Accordingly, a 'reasonable reimbursement methodology' [RRM], permitted under Government Code section 17518.5, which simplifies the administrative claiming process and reduces costs would be based upon the protocols for the [above] five scenarios. Prior to Statewide application of the standard times and/or unit costs set forth above, it is anticipated that local and state agencies will comment on and perhaps modify the RRM presented herein.

In the event that a consensus RRM can not be reached, alternative time study language, permitting claimants to time study specified reimbursable activities has also been included, in the attached Ps&Gs under section IV. Reimbursable Activities:

"Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office".

Finally, it should be noted that the County's computation of the one-time activity of developing an amended Receipt for [Firearm] Property is found in Schedule A of the attached declaration of Deputy Suzie Ferrell of the Los Angeles County Sheriff's Department.

The County's recommended parameters and guidelines for the Crime Victims' Domestic Violence Incident Reports II reimbursement program immediately follow this Narrative section.

**Los Angeles County
Parameters and Guidelines [Ps&Gs]
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]**

I. SUMMARY OF THE MANDATE

On September 27, 2007 the Commission on State Mandates adopted its Statement of Decision that Penal Code Section 13730, Subdivision (c)(3) and Family Code Section 6228 constitute reimbursable state-mandated programs upon local governments within the meaning of article XIIB, section 6 of the California Constitution and Government Code section 17514.

The Commission decided that local agencies should be reimbursed for implementing certain provisions of the pertinent ['test claim'] legislation. On pages 1-4 of Commission's 'Statement of Decision', these reimbursable provisions were grouped into 11 general categories, as follows:

Effective January 1, 2002, Penal Code Section 13730, subdivision (c)(3) imposes the following reimbursable state-mandated activity:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon . (Pen Code Sec. 13730(c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are reimbursable state-mandated activities:

- To take a temporary custody of and firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, Sec. 12028.5, sub.(b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date

after which the owner or possessor can recover it. (Pen. Code, Sec. 12028.5, sub.(b).)

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because of illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code, Sec. 12028.5(b).)
- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good

faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5(g).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would be endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, Sec. 12028.5(h).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, Sec. 12028.5(i).)

Effective January 1, 2003, in accordance with Penal Code Section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are reimbursable state-mandated program within the Meaning of the article XIII B, section 6 and Government Code Section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required by section 12028.5 (Pen. Code, sec. 12028.5 (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to then owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, Sec. 12028.5(j).)

II. ELIGIBLE CLAIMANTS

The eligible claimants are any county or city and county.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557, subdivision (c), as amended by Statutes of 1998, Chapter 681 (effective September 22, 1998), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for "Crime Victim's Domestic Violence Incident Reports II" was filed as an amendment to an earlier test claim, Crime Victims' Domestic Violence Incident Reports, 99-TC-08 by the County of Los Angeles in April 2003, establishing eligibility for fiscal year 2002-03. However, the test claim statute was not in effect on July 1, 1998. Therefore, reimbursement claims may be filed for costs incurred pursuant to Statutes of 1984, Chapter 901; Statutes of 2001, Chapter 483; Statutes of 2002, and Chapters 377, 830 and 833 on or after January 1, 2002 for the costs of including a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both whether firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon.

The costs of compliance with new domestic violence-related firearm procedures as well as the costs incurred when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident, as both specified in Penal Code Section Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 are reimbursable, effective January 1, 2003

Actual costs for one fiscal year shall be included in each claim. Estimated costs of the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial year's costs shall be submitted within 120 days of notification by the State Controller of the issuance of claiming instructions.

Government Code Section 17564, subdivision (a), prior to its amendment by Statutes of 2002, Chapter 1124, an urgency statute, (effective September 30, 2002)

provides that if the total costs for a given year do not exceed \$200, no reimbursement shall be allowed. Section 17564, subdivision (a) as amended by Statutes of 2002, Chapter 1124, provides that if the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed. Therefore, for the 2002-03 fiscal year and subsequent claims, if the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs incurred to implement the mandated activities. Actual costs may be traceable and supported by source documents that show the validity of such costs, when they are incurred, their relationship to the reimbursable activities. A source document is a document created at or near the time actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in-sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

In alternative, claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Officer.

Claimants may elect to use the reasonable reimbursement methodology [RRM] in claiming their costs of on-going activities as specified in section IVB. The RRM's standard times for performing five scenarios in implementing the test claim legislation are found in Schedule A attached hereto. The standard times are multiplied by productive hourly rates of those performing the scenarios. The products are then multiplied by the number of times each scenario occurs. The

resulting costs for each scenario are added and represent the total claim for on-going activities.

If claimants elect not to use the RRM, either actual costs for performing the duties as set forth in Section IVB, or a time study based on the duties as set forth in Section IVB, may be used. Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities are eligible for reimbursement unless made optional under Government Code Section 17581.

A. One Time Activities

1. The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code sec. 12028.5(b))

B. Ongoing Activities

Effective January 1, 2002, Penal Code Section 13730, subdivision (c)(3) imposes the following reimbursable state-mandated activity:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen Code Sec. 13730(c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are reimbursable state-mandated activities:

- To take a temporary custody of and firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, Sec. 12028.5, sub.(b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, Sec. 12028.5, sub.(b).)
- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because of illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b).)
- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5(g).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would be endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i).)

Effective January 1, 2003, in accordance with Penal Code Section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are a reimbursable state-mandated program within the Meaning of the article XIII B, section 6 and Government Code Section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders

the firearm or other deadly weapon returned to then owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j).)

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activity by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report

the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and invoices with the claim and a description of the contract scope of services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element V.A Salaries and Benefits, for each applicable reimbursable activity.

6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element V.A., Salaries and Benefits, and V.B., Materials and Supplies. Report the cost of consultants who

conduct the training according to the rules of cost element V.C., Contracted Services. This data, if too voluminous to be included with the claim, may be reported in a summary. However, supporting data must be maintained as described in Section VI.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include (1) the overhead costs of the unit performing the mandate or (2) the indirect costs of administering reimbursable contract(s), or (3) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of labor, excluding fringe benefits, or, where applicable, 10% of the amount of reimbursable contract(s), if 50% or more of all reimbursable services are provided under contract, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB A-87 Attachments A and B). However unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

In calculating an ICRP, the claimant shall have the choice of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A and B) shall be accomplished by (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim of actual costs filed by a local agency or school district pursuant to this chapter is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to the claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initiate payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUE AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, any Office of Criminal Justice Planning grants or other grant funding from a successor agency, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. RMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIUDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

Schedule A

Scenario #1:

Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present -

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	\$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Total minutes	<u>9 minutes</u>		
Employee Benefits			3.52
Indirect Costs			<u>3.15</u>
Total cost			<u>\$13.95</u>

Scenario #2:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is release to suspect.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearm	2 minutes	Deputy	\$ 1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AF ⁴	5	SSCII	1.90
Verify Info/store	5	LET	2.15
Court or Release update records	20	LET	8.60
Prepare to transfer to CP&E ⁵	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Enter info to data base/file docs	5	ITC	1.60
Verify Court/relse to owner update rec.	10	EPCIII	4.30
Update evidence data base & DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review & sig. for release of firearm	<u>5</u>	Lieutenant	5.85

Scenario #2 continued:

Total minutes	<u>126 minutes</u>	\$ <u>75.25</u>
Employee Benefits		36.40
Overhead		<u>32.52</u>
Total cost		\$ <u>144.17</u>

Scenario #3:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	\$ 1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AFS	5	SSCH ⁶	1.90
Verify Info/store	5	LET	2.15
Court or Release update			
Records	20	LET	8.60
Prepare to transfer to CP&E	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Enter info to data base/file Docs	5	ITC	1.60
Prepare petition for retention of firearm	15	Deputy B1	12.30
Notification to suspect of petition for retention of firearm	<u>10</u>	SSCH	<u>3.80</u>
Subtotals	<u>111 minutes</u>		\$ <u>64.60</u>

Add for Release of firearm:

Verify Court/release to owner			
Update records	10	EPCIII	4.30
Update evidence data base			
and DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review and sign for			
release of firearm	5	Lieutenant	<u>5.85</u>
Subtotals	<u>40 minutes</u>		<u>\$ 26.75</u>

Add for destruction of firearm:

Input & file the property card	5	ITC	1.60
Make disposal authorization	5	SEPC	2.40
Mail disposal authorization	5	ITC	1.60
Make determination if firearm is			
ready to dispose	2	SEPC	.96
Retrieve the property card and attach			
disposal authorization	5	ITC	1.60
Destroy/crush firearm	3	EPCIII	1.29
Update computer re destruction and			
file property card	5	ITC	<u>1.60</u>
			<u>\$ 11.05</u>

Total Minutes for Release **151 minutes** **\$ 91.35**

Add for destruction of firearm:

Employee Benefits 44.19
Overhead 39.48

Sub-Total Cost **\$ 175.02**

Total Minutes for
Destruction **141 minutes** **\$ 75.65**
Employee Benefits 36.59
Overhead 32.70

Sub-Total Cost **\$ 144.94**

Grand Total Cost **\$ 319.96**

Scenario #4:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AFS	5	SSCII	1.90
Verify Info/store	5	LET	2.15
Court or Release update Records	20	LET	8.60
Prepare to transfer to CP&E	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Input & file the property Card	5	ITC	1.60
Make disposal authorization	5	SEPC	2.40
Mail disposal authorization	5	TC	1.60
Make determination if firearm is Retrieve the property card and attach disposal authorization	5	ITC	1.60
Destroy/crush firearm	3	EPCIII	1.29
Update computer re destruction and file property card	5	ITC	1.60
Total Minutes <u>111 minutes</u>			\$ 57.95
Employee Benefits			28.03
Overhead			25.04
<u>Total Cost</u>			<u>\$ 111.02</u>

Scenario #5:

Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	\$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Total minutes	<u>9 minutes</u>		



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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WENDY L. WATANABE
CHIEF DEPUTY

**Los Angeles County
Parameters and Guidelines [Ps&Gs]
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]**

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I Leonard Kaye, SB 90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims, reviews of State agency comments, Commission staff analysis, and for proposing parameters and guidelines (P's& G's) and amendments thereto, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the subject parameters and guidelines.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the subject test claim, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

10/12/07, Los Angeles, CA
Date and Place

Handwritten signature of Leonard Kaye.
Signature

Los Angeles County
Draft Parameters and Guidelines
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

Declaration of Suzie Ferrell

Suzie Ferrell makes the following declaration and statement under oath:

I, Suzie Ferrell, Deputy, Field Operations Support Services, Sheriff's Department, County of Los Angeles, am responsible for developing and implementing methods and procedures to comply with new State-mandated requirements in responding to and reporting domestic violence incidents, including requirements imposed under the subject law.

I declare that, effective January 1, 2002, in accordance with Penal Code Section 13730(c)(3), (Stats. 2001, ch. 483), the Sheriff's Department is required to include the following information on all domestic violence-related calls for assistance:

- On the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen. Code. Sec. 13730(c)(3).)

I declare that, effective January 1, 2003, in accordance with Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 has created new duties for the Sheriff's Department as follows:

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present (Pen. Code. Sec. 12028.5(b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code. Sec. 12028.5(b).)

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or 2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b).)
- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code. Sec. 12028.5(g).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court

orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i).)

I declare that, effective January 1, 2003, in accordance with Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 has created new duties for the Sheriff's Department when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search, as follows:

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code, sec. 12028.5 (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j).)

I declare that it is my information and belief that there are four scenarios when the Sheriff responds to and reports domestic violence incidents pursuant to the subject law:

1. Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present.
2. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is release to suspect.

3. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

4. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

5. Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

I declare that I have prepared the attached Schedule A which details the time, and cost incurred, to perform tasks reasonably necessary in complying with the subject law under each of the [above] five scenarios and the one-time activity of developing an amended Receipt for [Firearm] Property.

It is my information or belief that the time and cost information reported on Schedule A is representative of Los Angeles County's efforts in implementing the subject law.

It is my information or belief that the time and cost information reported on Schedule A to implement the subject law, may be revised, after input from other jurisdictions and further analysis, to represent the time and cost of other jurisdictions throughout the State.

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and to those matters, I believe them to be true.

10/2/07 @ Monterey Park, CA.
Date and Place


Signature

Schedule A

Scenario #1:

Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present -

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	\$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	<u>2</u>	Sergeant	1.96
 Total minutes	<u>9 minutes</u>		
 Employee Benefits			3.52
Indirect Costs			<u>3.15</u>
 Total cost			<u>\$13.95</u>

Scenario #2:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is release to suspect.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearm	2 minutes	Deputy	\$ 1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AF ¹	5	SSCH	1.90
Verify Info/store	5	LET	2.15
Court or Release update records	20	LET	8.60
Prepare to transfer to CP&E ²	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Enter info to data base/file docs	5	ITC	1.60
Verify Court/relse to owner update rec.	10	EPCIII	4.30
Update evidence data base & DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review & sig. for release of firearm	<u>5</u>	Lieutenant	5.85

Scenario #2 continued:

Total minutes	<u>126 minutes</u>	<u>\$ 75.25</u>
Employee Benefits		36.40
Overhead		<u>32.52</u>
Total cost		<u>\$ 144.17</u>

Scenario #3:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	\$ 1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AFS	5	SSCII ³	1.90
Verify Info/store	5	LET	2.15
Court or Release update			
Records	20	LET	8.60
Prepare to transfer to CP&E	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Enter info to data base/file Docs	5	ITC	1.60
Prepare petition for retention of firearm	15	Deputy B1	12.30
Notification to suspect of petition for retention of firearm	<u>10</u>	SSCII	<u>3.80</u>
Subtotals	<u>111 minutes</u>		<u>\$ 64.60</u>

Add for Release of firearm:

Verify Court/release to owner			
Update records	10	EPCIII	4.30
Update evidence data base			
and DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review and sign for			
release of firearm	5	Lieutenant	<u>5.85</u>
Subtotals	<u>40 minutes</u>		<u>\$ 26.75</u>

Add for destruction of firearm:

Input & file the property card	5	ITC	1.60
Make disposal authorization	5	SEPC	2.40
Mail disposal authorization	5	ITC	1.60
Make determination if firearm is			
ready to dispose	2	SEPC	.96
Retrieve the property card and attach			
disposal authorization	5	ITC	1.60
Destroy/crush firearm	3	EPCIII	1.29
Update computer re destruction and			
file property card	5	ITC	<u>1.60</u>
			<u>\$ 11.05</u>

Total Minutes for Release	<u>151 minutes</u>	<u>\$ 91.35</u>
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Add for destruction of firearm:

Employce Benefits	44.19
Overhead	<u>39.48</u>

Sub-Total Cost	<u>\$ 175.02</u>
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Total Minutes for		
Destruction	<u>141 minutes</u>	<u>\$ 75.65</u>
Employee Benefits		36.59
Overhead		<u>32.70</u>

Sub-Total Cost	<u>\$ 144.94</u>
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Grand Total Cost	<u>\$ 319.96</u>
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Scenario #4:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AFS	5	SSCII	1.90
Verify Info/store	5	LET	2.15
Court or Release update			
Records	20	LET	8.60
Prepare to transfer to CP&E	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Input & file the property Card	5	ITC	1.60
Make disposal authorization	5	SEPC	2.40
Mail disposal authorization	5	TC	1.60
Make determination if firearm is			
Retrieve the property card and attach disposal authorization	5	ITC	1.60
Destroy/crush firearm	3	EPCIII	1.29
Update computer re destruction and file property card	5	ITC	1.60
Total Minutes <u>111 minutes</u>			\$ 57.95
Employee Benefits			28.03
Overhead			<u>25.04</u>
<u>Total Cost</u>			<u>\$ 111.02</u>

Scenario #5:

Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Inquiry of firearms	2 minutes	Deputy	\$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	<u>2</u>	Sergeant	1.96
Total minutes	<u>9 minutes</u>		

Employee Benefits	3.52
Indirect Costs	<u>3.15</u>
Total cost	<u>\$13.95</u>

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

<u>Mandated Task</u>	<u>Duration</u>	<u>Position</u>	<u>Cost</u>
Amend receipt	240 minutes	Deputy	182.40
Approve receipt	30	Sergeant	29.40
Approve receipt	30	Lieutenant	35.10
Convert receipt to OMNI ⁴	120	SIT ⁵	<u>\$ 55.20</u>
Total Minutes <u>420 minutes</u>			\$302.10
Employee Benefits			146.13
Overhead			<u>130.57</u>
<u>Sub-Total Cost</u>			<u>\$ 578.80</u>
Salary			\$ 609.58
Employee Benefits			294.85
Overhead			<u>263.46</u>
<u>Sub-Total Cost</u>			<u>\$ 1,167.89</u>
Gran-Total Cost			<u>\$ 1,746.69</u>

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To	Paula Higashi		From	Leonard Kaye	
Co./Dept.	CSM		Co.		
Phone #			Phone #	20-974-8564	
Fax #	916-445-0278		Fax #		



J. TYLER McCAULEY
AUDITOR-CONTROLLER

COUNTY OF LOS ANGELES DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Liane Tiet states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 12th day of October 2007, I served the attached:

Documents: Los Angeles County, Draft Parameters and Guidelines, Crime Victims' Domestic Violence Incident Reports II [02-TC-18], including a 1 page letter of J. Tyler McCauley dated 10/12/07, a 24 page narrative, a 1 page declaration of Leonard Kaye, and 9 page declaration of Suzie Ferrell now pending before the Commission on State Mandates.

upon all Interested Parties listed on the attachment hereto and by

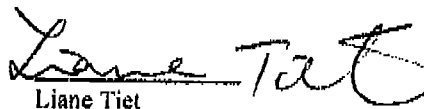
- ☒ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.
Commission on State Mandates FAX as well as mail of originals.
- ☐ by placing ☐ true copies ☐ original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

PLEASE SEE ATTACHED MAILING LIST

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of October, 2007, at Los Angeles, California.


Liane Tiet